

104TH CONGRESS
1ST SESSION

S. 1128

To amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

IN THE SENATE OF THE UNITED STATES

AUGUST 7 (legislative day, JULY 10), 1995

Ms. MIKULSKI (for herself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CIVIL SERVICE RETIREMENT SYSTEM.**

2 (a) DEFINITIONS.—Section 8331 of title 5, United
3 States Code, is amended—

4 (1) by striking out “and” at the end of para-
5 graph (25);

6 (2) by striking out the period at the end of
7 paragraph (26) and inserting in lieu thereof a semi-
8 colon; and

9 (3) by adding at the end thereof the following
10 new paragraphs:

11 “(27) ‘revenue officer’ means an employee of
12 the Internal Revenue Service, the duties of whose
13 position are primarily the collection of delinquent
14 taxes and the securing of delinquent returns, includ-
15 ing an employee engaged in this activity who is
16 transferred to a supervisory or administrative
17 position;

18 “(28) ‘customs inspector’ means an employee of
19 the United States Customs Service, the duties of
20 whose position are primarily to—

21 “(A) enforce laws and regulations govern-
22 ing the importing and exporting of mer-
23 chandise;

24 “(B) process and control passengers and
25 baggage;

1 “(C) interdict smuggled merchandise and
2 contraband; and

3 “(D) apprehend (if warranted) persons in-
4 volved in violations of customs laws,
5 including an employee engaged in this activity who
6 is transferred to a supervisory or administrative
7 position;

8 “(29) ‘customs canine enforcement officer’
9 means an employee of the United States Customs
10 Service, the duties of whose position are primarily to
11 work directly with a dog in an effort to—

12 “(A) enforce laws and regulations govern-
13 ing the importing and exporting of mer-
14 chandise;

15 “(B) process and control passengers and
16 baggage;

17 “(C) interdict smuggled merchandise and
18 contraband; and

19 “(D) apprehend (if warranted) persons in-
20 volved in violations of customs laws,
21 including an employee engaged in this activity who
22 is transferred to a supervisory or administrative po-
23 sition; and

24 “(30) ‘Immigration and Naturalization inspec-
25 tor’ means an employee of the Immigration and Nat-

1 uralization Service, the duties of whose position are
2 primarily the controlling and guarding of the bound-
3 aries and borders of the United States against the
4 illegal entry of aliens, including an employee en-
5 gaged in this activity who is transferred to a super-
6 visory or administrative position.”.

7 (b) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
8 ITS.—Section 8334 of title 5, United States Code, is
9 amended—

10 (1) in subsection (a)(1), by striking out “a law
11 enforcement officer,” and inserting in lieu thereof “a
12 law enforcement officer, a revenue officer, a customs
13 inspector, a customs canine enforcement officer, an
14 Immigration and Naturalization inspector,”; and

15 (2) in the table in subsection (c), by striking
16 out “and firefighter for firefighter service.” and in-
17 serting in lieu thereof “, firefighter for firefighter
18 service, revenue officer for revenue officer service,
19 customs inspector for customs inspector service, cus-
20 toms canine enforcement officer for customs canine
21 enforcement officer service, and Immigration and
22 Naturalization inspector for Immigration and Natu-
23 ralization inspector service”.

24 (c) MANDATORY SEPARATION.—Section 8335(b) of
25 title 5, United States Code, is amended in the second sen-

1 tence by striking out “law enforcement officer” and insert-
 2 ing in lieu thereof “law enforcement officer, a revenue offi-
 3 cer, a customs inspector, a customs canine enforcement
 4 officer, or an Immigration and Naturalization inspector”.

5 (d) IMMEDIATE RETIREMENT.—Section 8336(c)(1)
 6 of such title is amended by striking out “law enforcement
 7 officer or firefighter,” and inserting “law enforcement offi-
 8 cer, a firefighter, a revenue officer, a customs inspector,
 9 a customs canine enforcement officer, or an Immigration
 10 and Naturalization inspector,”.

11 **SEC. 2. FEDERAL EMPLOYEES RETIREMENT SYSTEM.**

12 (a) DEFINITIONS.—Section 8401 of title 5, United
 13 States Code, is amended—

14 (1) by striking out “and” at the end of para-
 15 graph (31);

16 (2) by striking out the period at the end of
 17 paragraph (32) and inserting in lieu thereof a semi-
 18 colon; and

19 (3) by adding at the end thereof the following
 20 new paragraphs:

21 “(33) ‘revenue officer’ means an employee of
 22 the Internal Revenue Service, the duties of whose
 23 position are primarily the collection of delinquent
 24 taxes and the securing of delinquent returns, includ-
 25 ing an employee engaged in this activity who is

1 transferred to a supervisory or administrative posi-
2 tion;

3 “(34) ‘customs inspector’ means an employee of
4 the United States Customs Service, the duties of
5 whose position are primarily to—

6 “(A) enforce laws and regulations govern-
7 ing the importing and exporting of merchan-
8 dise;

9 “(B) process and control passengers and
10 baggage;

11 “(C) interdict smuggled merchandise and
12 contraband; and

13 “(D) apprehend (if warranted) persons in-
14 volved in violations of customs laws,
15 including an employee engaged in this activity who
16 is transferred to a supervisory or administrative po-
17 sition;

18 “(35) ‘customs canine enforcement officer’
19 means an employee of the United States Customs
20 Service, the duties of whose position are primarily to
21 work directly with a dog in an effort to—

22 “(A) enforce laws and regulations govern-
23 ing the importing and exporting of merchan-
24 dise;

1 “(B) process and control passengers and
2 baggage;

3 “(C) interdict smuggled merchandise and
4 contraband; and

5 “(D) apprehend (if warranted) persons in-
6 volved in violations of customs laws,
7 including an employee engaged in this activity who
8 is transferred to a supervisory or administrative po-
9 sition; and

10 “(36) ‘Immigration and Naturalization inspec-
11 tor’ means an employee of the Immigration and Nat-
12 uralization Service, the duties of whose position are
13 primarily the controlling and guarding of the bound-
14 aries and borders of the United States against the
15 illegal entry of aliens, including an employee en-
16 gaged in this activity who is transferred to a super-
17 visory or administrative position.”.

18 (b) IMMEDIATE RETIREMENT.—Section 8412(d) of
19 title 5, United States Code, is amended—

20 (1) in paragraph (1) by striking out “or fire-
21 fighter,” and inserting in lieu thereof “firefighter,
22 revenue officer, customs inspector, customs canine
23 enforcement officer, or Immigration and Naturaliza-
24 tion inspector,”; and

1 (2) in paragraph (2) by striking out “or fire-
2 fighter,” and inserting in lieu thereof “firefighter,
3 revenue officer, customs inspector, customs canine
4 enforcement officer, or Immigration and Naturaliza-
5 tion inspector,”.

6 (c) COMPUTATION OF BASIC ANNUITY.—Section
7 8415(g)(2) of title 5, United States Code, is amended in
8 the matter following subparagraph (B) by inserting “reve-
9 nue officer, customs inspector, customs canine enforce-
10 ment officer, Immigration and Naturalization inspector,”
11 after “firefighter,”.

12 (d) DEDUCTIONS.—Section 8422(a)(2) of title 5,
13 United States Code, is amended—

14 (1) in subparagraph (A) by inserting “revenue
15 officer, customs inspector, customs canine enforce-
16 ment officer, Immigration and Naturalization in-
17 spector,” after “air traffic controller,”; and

18 (2) in subparagraph (B) by inserting “revenue
19 officer, customs inspector, customs canine enforce-
20 ment officer, Immigration and Naturalization in-
21 spector,” after “air traffic controller,”.

22 (e) GOVERNMENT CONTRIBUTIONS.—Section
23 8423(a) of title 5, United States Code, is amended—

24 (1) in paragraph (1)(B)(i) by inserting “reve-
25 nue officers, customs inspectors, customs canine en-

1 enforcement officers, Immigration and Naturalization
2 inspectors,” after “law enforcement officers,”; and

3 (2) in paragraph (3)(A) by inserting “revenue
4 officers, customs inspectors, customs canine enforce-
5 ment officers, Immigration and Naturalization in-
6 spectors,” after “law enforcement officers,”.

7 (f) MANDATORY SEPARATION.—Section 8425(b) of
8 title 5, United States Code, is amended in the second sen-
9 tence by inserting “, revenue officer, customs inspector,
10 customs canine enforcement officer, or Immigration and
11 Naturalization inspector” after “law enforcement officer”.

12 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

13 (a) EMPLOYEE CONTRIBUTIONS.—Any individual
14 who has served as a revenue officer, customs inspector,
15 customs canine enforcement officer, or Immigration and
16 Naturalization inspector before the effective date of this
17 Act, shall have such service credited and annuities deter-
18 mined in accordance with the amendments made by sec-
19 tions 1 and 2 of this Act, if such individual makes pay-
20 ment into the Civil Service Retirement and Disability
21 Fund of an amount, determined by the Office of Personnel
22 Management, which would have been deducted and with-
23 held from the basic pay of such individual (including inter-
24 est thereon) under chapters 83 and 84 of title 5, United

1 States Code, as if such amendments had been in effect
2 during the periods of such service.

3 (b) AGENCY CONTRIBUTIONS.—No later than 90
4 days after a payment made by an individual under sub-
5 section (a), the Department of the Treasury or the De-
6 partment of Justice (as the case may be) shall make a
7 payment into the Civil Service Retirement and Disability
8 Fund of an amount, determined by the Office of Personnel
9 Management, which would have been contributed as a
10 Government contribution (including interest thereon)
11 under chapters 83 and 84 of title 5, United States Code,
12 for the service credited and annuities determined for such
13 individual, as if the amendments made by sections 1 and
14 2 of this Act had been in effect during the applicable peri-
15 ods of service.

16 (c) REGULATIONS.—The Office of Personnel Man-
17 agement shall determine the amount of interest to be paid
18 under this section and may promulgate regulations to
19 carry out the provisions of this Act.

20 **SEC. 4. EFFECTIVE DATE.**

21 The provisions of this Act and amendments made by
22 this Act shall take effect on the date occurring 90 days
23 after the date of enactment of this Act.

